

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case no. No. 2:17-cr-25

Hon. Paul L. Maloney
United States District Judge

ERIC SCOTT RUSKA,

Defendant.

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**SUPPLEMENTAL INFORMATION AND NOTICE OF
TWO PRIOR SERIOUS VIOLENT FELONY CONVICTIONS**

The United States of America, by and through its attorneys, Andrew Byerly Birge, Acting United States Attorney for the Western District of Michigan, and Maarten Vermaat, Assistant United States Attorney, respectfully states as follows:

The superseding indictment in this matter (R. 16, PageID.28) charges Defendant Eric Scott Ruska (“Defendant Ruska”) with one count of kidnapping, in violation of 18 U.S.C. § 1201(a)(1) and (a)(2), and three counts of aggravated sexual abuse, in violation of 18 U.S.C. § 2241(a)(1) and (a)(2). Kidnapping is punishable by imprisonment for any term of years or for life, a fine of not more than \$250,000, a term of supervised release of not more than 5 years, and a special assessment of \$100. Each of the aggravated sexual abuse offenses is punishable by imprisonment for any term of years or for life; a fine of not more than \$250,000; supervised release for any term of years not less than 5, or life; and a special assessment of \$100.

Pursuant to 18 U.S.C. § 3559(c) and 21 U.S.C. § 851, the United States of

America hereby notifies the Court and Defendant Ruska that Defendant Ruska has been convicted (and those convictions have become final) on separate prior occasions in a court of the State of Michigan of two or more serious violent felonies.

Specifically, on December 2, 2002, Defendant Ruska was convicted of assault with intent to do great bodily harm less than murder, in violation Mich. Comp. Laws § 750.84. The offense conduct associated with this conviction took place on or about July 2, 2002. Defendant Ruska received a sentence of 24 months of probation and 12 months in jail. (*State of Michigan v. Eric Scott Ruska*, 11th Judicial Circuit, County of Alger, MI, case no. 02-1519-FH.) This offense qualifies as a “serious violent felony,” as defined in 18 U.S.C. § 3559(c)(2)(F)(ii).

In addition, on May 17, 2004, Defendant Ruska was convicted of (a) criminal sexual conduct in the third degree (by use of force), in violation Mich. Comp. Laws § 750.520d(1)(b), and (2) kidnapping, in violation of Mich. Comp. Laws § 750.349. The offense conduct associated with these convictions took place on or about December 21, 2003. Defendant Ruska received a sentence of 10 to 15 years in prison for each of these convictions. These sentences ran concurrently. (*State of Michigan v. Eric Scott Ruska*, 11th Judicial Circuit, County of Alger, MI, case no. 2004-1601 FC CHS.) Each of these offenses meets the definition of “serious violent felony” in 18 U.S.C. § 3559(c)(2)(F)(i). However, because these convictions did not occur on separate occasions, these convictions qualify as one prior “serious violent felony” conviction.

As a result of these prior convictions for serious violent felonies, and

pursuant to 18 U.S.C. § 3559(c), if Defendant Ruska is convicted of any of the offenses alleged in the superseding indictment in this case, the Court must impose a sentence of mandatory life imprisonment.

WHEREFORE, the United States of America respectfully requests that, in the event that Defendant Ruska is found guilty of any of the offenses set forth in the superseding indictment, Defendant Ruska be sentenced in accordance with the provisions of 18 U.S.C. § 3559(c).

Respectfully submitted,

ANDREW BYERLY BIRGE
Acting United States Attorney

Date: August 18, 2017

/s/ Maarten Vermaat
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